

REMARKS

This Amendment is being filed in response to, and within four (4) months of, the Office Action mailed February 10, 2006. Applicant previously elected Claims 1-12 and 25-29, and withdrew Claims 13-24. Claims 2-5 have been canceled. Claims 1, 6-11, and 25-29 have been amended herein. Accordingly, Claims 1, 6-11, and 25-29 are pending.

CLAIM OBJECTION – CLAIM 1

Claim 1 was object to for a formality in line 3. Applicant has herein replaced “on” with “one.”

CLAIM REJECTIONS – CLAIMS 1, 4-7 and 25 – 35 USC § 102(b)

Claims 1-8 and 27-35 were rejected under 35 USC 102(b) as being anticipated by Pavlica et al. (US 5,383,508).

Applicant's claimed invention is directed to a modular valance structure that is both ecologically and economically friendly. Traditional valances require a single cornice, for example, to be carved out of a unitary block of wood which has to be large enough to provide excess material for whittling. For example, suppose a cornice piece is desired with a decorative height of 5 inches and a length of 10 feet. To provide a traditional cornice according to the prior art, one has to first find a block of wood with substantially more than 5 inches in height and 10 inches in length since the process of molding and milling will whittle the original block wood down to the desired dimensions.

Such a traditional cornice is not environmentally friendly since a defect in the block of wood or in the craftsman's technique may cause the entire block of wood to be discarded, thereby requiring an entirely new large block of wood to be utilized. Conventional cornices are thus very expensive due to the labor and materials involved in providing the end product.

Applicant's claimed invention includes modular components which are interchangeable and, thus, need not be singularly carved out from a large block of wood. Not only is the centerpiece decorative module removable and interchangeable, but the top decorative module and the bottom decorative module are interchangeable as well. This enables Applicant's entire cornice system to be interchangeable in a manner not found in the prior art. Thus, a homeowner who desires to change not only the centerpiece module, but rather the entire valance altogether, may do so with Applicant's claimed invention without having to purchase an entirely new valance structure.

In a preferred embodiment shown in Figures 4 and 5, the base unit 30 may remain while the top decorative module 32, the bottom decorative module 34 and the centerpiece module 31 may be removed and interchanged with different top, bottom and centerpiece modules, respectively.

This also enables a customer purchasing a brand new valance structure to custom design valances for the home with each room having different top, bottom and centerpiece modules. The interchangeability of each of the top, bottom and centerpiece modules is unique. Accordingly, Applicant has herein amended independent Claims 1

and 25 to positively recite that the top decorative module and bottom decorative module are interchangeable as well as the interchangeable centerpiece module.

Pavlica discloses a valance structure with an interchangeable placard 42. In Pavlica, only the placard 42 is disclosed as interchangeable (col. 3:17-20). Pavlica simply does not disclose that the rigid top and bottom wooden portions 12, 14 are interchangeable.

Pavlica does state that the top and bottom portions “12 and 14 may be **replaced** in unit 48 by elements having grooves similar to grooves 30 and 38, and facias different from surfaces 34 and 44.” (emphasis added). The Office Action states that Pavlica discloses replaceable top and bottom portions. Applicant respectfully submits that though the top portion 12 and bottom portion 14 in Pavlica may be replaced, Pavlica does not teach or suggest interchangeable top and bottom portions. This is clear in Pavlica for a number of reasons.

First, Pavlica explicitly teaches that the top and bottom portions are “fixed” and explicitly uses the term “interchangeable” in the specification with reference to the placards 42 only. Since the patentee was well aware of the term “interchangeable,” Pavlica et al. could and would have used the term in reference to any other structures if that was what was intended. However, it is clear that Pavlica did not intend to teach interchangeable top and bottom portions since it knowingly refrained from using a term which was used freely elsewhere in the specification with reference to the placards.

Instead, Pavlica teaches that the “top portion is fixed to a surface such as a wall.” (col. 1:37-38). Pavlica goes on to state that “the unit is some what permanently fixed to

a surface while the placard fitting into the groove structure would be freely interchangeable to suit the particular décor of the room.” (col. 1:61-62).

Second, Pavlica provides no teaching for how the top and bottom portions can be interchangeable. Unlike Applicant's specification which discloses a variety of extension members and correspondingly shaped channels for removably mating top and bottom portions, Pavlica fails to identify any structure or mechanism that would allow for its top and bottom portions to be interchangeable.

Within own Pavlica's own disclosure, the lack of disclosure for interchangeable top and bottom portions may be contrasted with Pavlica's teaching on the interchangeable placards 42. When discussing the placards 42, Pavlica goes into detail as to how the grooves 30 and 38 must be formed in a particular manner to enable the placards to be inserted. See col. 2:54-59. In contrast, no disclosure of any structure or mechanism is provided for how top and bottom portions may be substituted.

Third, the context and intent of the teaching in Pavlica also clearly indicates that the reference does not provide for interchangeable top and bottom portions. In particular, the only disclosure for replacing the top and bottom portions is found in column 3, lines 3-5:

Top and bottom portions 12 and 14 may be replaced in unit 48 by elements having grooves similar to grooves 30 and 38, and facias different surfaces 34 and 44.

The emphasis here is that if a different styled top and bottom portion were desired to be used as part of this system, such different portions with different facia surfaces may be employed so long as the grooves 30 and 38 remain consistent in order to hold the

interchangeable placards. Pavlica is saying that one could build a valance structure having top and bottom portions with different facia surfaces than that which is disclosed as long as the grooves remain the same; however, Pavlica does not provide any disclosure or suggestion whatsoever that these top and bottom portions are all of a sudden interchangeable, particular when the reference provides no teaching of a mechanism to accomplish it.

Furthermore, Applicant has amended the independent claims to recite that the interchangeable modules are composed of wood. Again, this is made possible by Applicant's unique modular wooden components that is drastically different than conventional cornice pieces. Pavlica makes no mention of a process or product made of modular wooden components so as to save wood.

For all of the foregoing reasons, Applicant respectfully submits that Pavlica does not disclose or suggest interchangeable top and bottom wood portions.

Claims 1, 4, 5, 7-9 and 25-27 were rejected under 35 USC 102(b) as being anticipated by Horn et al. (US 6,470,639). The Office Action states that the preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone.

While the above rule is generally true for preambles, the rule does not apply to the claims herein because Applicant is not merely reciting the intended use of a structure. Applicant is specifically reciting a "cornice" in the preamble; thus, Applicant is

reciting the structure itself, and not an intended use for the structure. Furthermore, the body of Applicant's claims do depend on the preamble for completeness. If the body of the claims were not related to the fact that the preamble recites a cornice, then the body of the claim does not make sense. It is precisely because cornices in the prior art are not composed of interchangeable modules that makes Applicant's modular cornice unique.

Accordingly, Applicant respectfully requests that the preambles of its claims be interpreted as a positive limitation. In doing so, it is clear that Horn fails to anticipate Applicant's claims. Even if Applicant's preamble is not given patentable weight, Horn nonetheless fails to disclose all the limitations as now recited in the amended claims. In particular, the amended claims now recite an interchangeable top decorative module, an interchangeable bottom decorative module and an interchangeable centerpiece decorative module, all composed of wood. These features are not shown or suggested in Horn.

The Office Action indicates that elements 300 and 302 in Horn are decorative modules. However, Horn describes these elements as "slats". The figures, such as Figure 1, show the slats 300 and 302 as completely flat components lacking any decorative detail. Furthermore, Horn describes the slats 300 and 302 as composed polyvinyl chloride (col. 11:35-36). Accordingly, Horn's slats are not composed of wood. Accordingly, Applicant respectfully submits that Horn fails to disclose interchangeable decorative top and bottom modules that are composed of wood.

CLAIM REJECTIONS – CLAIMS 1-5, 7-11 & 25-29 – 35 USC § 103(a)

Claims 1-5, 7-11 & 25-29 were rejected under under 35 USC § 103(a) as being unpatentable over Pavlica et al alone, or in view of Horn et al. (US 6,470,639).

In order to establish a prima facie case of obviousness, the prior art reference(s) must teach or suggest all the claim limitations. Applicant incorporates herein the remarks above with respect to the Section 102(b) rejections. In particular, both Pavlica and Horn fail to disclose interchangeable top decorative modules, interchangeable bottom decorative modules, and interchangeable centerpiece decorative modules. As discussed above, Pavlica fails to show interchangeable top and bottom decorative modules composed of wood. And, elements 300 and 302 in Horn are not decorative modules, but flat slats composed of PVC.

Accordingly, the cited combination of both references still fail to disclose all the features now recited in the amended claims.

Accordingly, Applicant respectfully submits that the independent claims are allowable over the cited prior art references. Applicant further submits that the dependent claims are allowable for the additional features recited therein.

Applicant encourages the Examiner to telephone the undersigned attorney if it appears that a telephone conference would facilitate allowance of the application.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 7, 2006

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Signature

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